

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

TERRI PECHNER-JAMES and SONIA
FERNANDEZ,

Plaintiffs,

v.

C.A. No. 03-12499-MLW

CITY OF REVERE, THOMAS AMBROSINO,
MAYOR, CITY OF REVERE POLICE
DEPARTMENT, TERRENCE REARDON,
CHIEF OF POLICE, BERNARD FOSTER,
SALVATORE SANTORO, ROY COLANNINO,
FREDERICK ROLAND, THOMAS DOHERTY,
JOHN NELSON, JAMES RUSSO, MICHAEL
MURPHY and STEVEN FORD,

Defendants,

STATEMENT OF UNDISPUTED MATERIAL FACTS

1. On September 21, 1995 Plaintiff Terri Pechner James was sworn in as a Revere Police Officer (Plaintiff Pechner's Motion for Partial Summary Judgment, page 2, Facts, paragraph 1, attached hereto as Exhibit "A").
2. On March 13, 2001 Pechner discontinued her service as a Revere Police Officer (Plaintiff's Verified Complaint, paragraphs 16, 78 and 79, attached hereto as Exhibit "B," see also Exhibit "A," Facts, paragraph 1).
3. On April 19, 2001 Pechner filed an Application for Indemnification Under Massachusetts General Laws Chapter 41, Section 100 and an Application for Leave Without Loss of Pay Under Massachusetts General Laws Chapter 41, Section 111F (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 22, attached hereto as Exhibit "C").
4. On April 23, 2001 defendant Thomas Ambrosino, Mayor of Revere, denied Pechner's request for a three month paid leave of absence, but instead offered an unpaid

leave of absence (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 24, attached hereto as Exhibit "D").

5. On June 1, 2001 Pechner's Application for Leave Without Loss of Pay Under Massachusetts General Laws Chapter 41, Section 111F was denied based on a recommendation of the Third Party Claims Administrator for the City of Revere (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 27, attached hereto as "Exhibit E").

6. On January 15, 2002 Chief Reardon was appointed to the position of Chief of Police for the Revere Police Department (Affidavit of Mayor Thomas Ambrosino, attached hereto as Exhibit "F").

7. On July 17, 2002 Pechner's Involuntary Retirement Application was filed by defendants Terence Reardon and Ambrosino (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibits 1-5, attached hereto as Exhibit "G").

8. On October 23, 2002 Pechner's Involuntary Retirement Application was denied by the Revere Retirement Board (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 6, attached hereto as Exhibit "H").

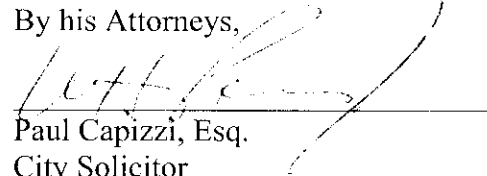
9. On October 30, 2002, Pechner appealed the decision of the Revere Retirement Board (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 7, attached hereto as Exhibit "I").

10. On March 7, 2003 the Division of Administrative Appeals overturned the October 23, 2002 decision of the Revere Retirement Board and the matter was remanded to said board for the purpose of convening a Regional Medical Panel of experts in psychiatry in order to evaluate defendant Reardon's Involuntary Retirement Application filed on behalf

of Pechner (Plaintiff Pechner's Motion for Partial Summary Judgment, Exhibit 43, attached hereto as Exhibit "J").

For the Defendant, POLICE CHIEF TERENCE REARDON,

By his Attorneys,



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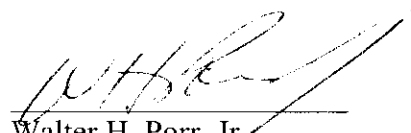
Dated: 02/28/05

CERTIFICATE OF SERVICE

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendant, Police Chief Terence Reardon, hereby certify that I have, this day forwarded a copy of the foregoing Statement of Undisputed Material Facts to all parties herein by mailing same, this date, via first class mail, postage prepaid to:

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Dated: March 1, 2005